

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE
LITIGATION

THIS DOCUMENT RELATES TO
BMS CLASS SETTLEMENT

MDL No. 1456

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

**DECLARATION OF ERIC J. MILLER CONCERNING
CLASS NOTICE AND CLAIMS ACTIVITY
RELATED TO CLASS 1 IN THE BMS SETTLEMENT**

The undersigned, Eric J. Miller, hereby states that:

1. I submit this Declaration in order to provide the Court and the parties to the above-captioned litigation with information regarding the mailing and publication of the Notice Program approved by the Court in its Order Granting Preliminary Approval of the BMS AWP Class Settlement (the “Preliminary Approval Order”), as well as to provide the Court with details concerning claims administration related to Class 1 to date. I will provide the Court with an estimate of amounts to be distributed to Class 1 Consumers given the Court-approved distribution formula and our experience administering similar settlements.

2. I am the Managing Senior Project Administrator of Rust Consulting, Inc. (“Rust”) f/k/a Complete Claim Solutions. I am over 21 years of age and am not a party to this action. I have personal knowledge of the facts set forth herein, and if called as a witness, could and would testify competently hereto.

3. Rust has been a Notice and/or Settlement Administrator for several pharmaceutical settlements, such as: Hytrin¹, Augmentin², Lupron³, Paxil⁴, Relafen⁵, Remeron⁶, and Warfarin⁷, which included both Third-Party Payor (“TPP”) and Consumer classes.

4. Pursuant to the Preliminary Approval Order, Rust was appointed the Claims Administrator to assist in the process of providing notice of the Settlement to potential TPP and Consumer Class Members in the Class 1, 2 and 3 Settlement Classes.

5. On November 12th, 2010 I submitted a separate declaration concerning notice and administration activities and claims related to TPPs and Class 3 Consumers in the Settlement. Since the November Declaration, Rust has received additional Class 3 Consumer claims bringing total Class 3 Consumer claims to 96. In addition, since the November Declaration, Rust has received a Request for Exclusion from 1 additional TPP, bringing the total Requests for Exclusions from TPP Class Members to 12.

I. TOLL-FREE SETTLEMENT HOTLINE AND SETTLEMENT WEBSITE

6. Rust has acted as a repository for inquiries and communications from Class 1 Consumers. Pursuant to the Preliminary Approval Order, Rust established: a Post Office Box (2364, Faribault, MN 55021-9064), a toll-free telephone “hotline” (1-877-690-7097), and a settlement website (www.bmsawpsettlement.com).

¹ *In re Terazosin Hydrochloride Antitrust Litigation* (S.D.Fl. MDL No. 1317)

² *Rosemarie Ryan House, et al. v. GlaxoSmithKline PLC and SmithKline Beecham Corporation* (E.D.Va 2:02cv442)

³ *In Re Lupron® Marketing And Sales Practices Litigation* (D.Ma. M.D.L. 1430)

⁴ *Nichols, et al., v. Smithkline Beecham Corporation* (E.D.Pa. 00-CV-6222)

⁵ *In Re Relafen Antitrust Litigation* (D.Ma. 01-CV-12239-WGY)

⁶ *In Re: Remeron End Payor Antitrust Litigation* (D.N.J. 02-2007 (FSH))

⁷ *In re Warfarin Sodium Antitrust Litigation* (D.De. MDL No. 98-1232)

7. When calling the toll-free telephone number, callers are able to listen to a pre-recorded message which answers many frequently asked questions. The caller is prompted to press a telephone keypad number to contact a live “telephone representative” to answer additional questions. As of this date, 11,781 consumer callers have called the pre-recorded message and approximately 5,252 of those requested to speak with a telephone representative.

8. The website includes links to documents including Court Documents, Frequently Asked Questions, Contact Information, the covered drug list (which contains J-codes and NDC’s), and copies of the notice to TPPs, Class 1 and Class 3 consumers, along with claim forms. The website went “live” on August 16, 2010, and to date has been viewed over 59,084 times. Please note that one individual may have visited the site multiple times.

II. NOTICE AND ADMINISTRATION ACTIVITIES RELATED TO CLASS 1 CONSUMERS

9. Pursuant to ¶ 1 of the Order for Final Consideration of BMS Settlement dated November 29, 2010 (the “November 2010 Order”), between December 14, 2010 and December 29, 2010, Rust received 242 data files containing 581,441,651 records from the Center for Medicare and Medicaid Services (“CMS”), Research Data Assistance Center and Buccaneer containing mailing and purchase data for 19,394,343 individuals for both the Track 2 AWP Settlement and the BMS AWP Settlement. Of these, CMS data indicated 695,910 individuals were administered the drugs involved in the BMS AWP Settlement.

10. Rust entered the data, referenced above, into a segregated database (the “Class 1 Consumer Mailing Database”) to be used for mailing to potential Class Members. The data was electronically scrubbed to ensure adequate address formatting. In conjunction with counsel and CMS, Rust reviewed the purchases provided by CMS and removed purchases that were not

eligible for one or more of the following reasons:

- a. purchases were not the drugs involved in this settlement;
- b. purchases were outside of the Class Period; and/or
- c. purchases were not approved by CMS.

11. Of the 695,910 individuals noted in ¶ 9 above, 50,489 were determined to have no eligible purchases and 645,421 were determined to have at least one eligible purchase.

12. Rust mailed the Class 1 Consumer Notice and Claim Card (the “Class 1 Notice Packet”) to 695,910 potential Class 1 Consumer Class members, using the Class 1 Consumer Mailing Database. A copy of the Class 1 Notice Packet is attached hereto as Exhibit A.

13. As of this date, the United States Postal Service (“USPS”) has returned a total of 664 Class 1 Notice Packets as undeliverable with a forwarding address. Rust subsequently re-mailed Class 1 Notice Packets to each address provided by the USPS.

14. As of this date, the USPS returned 181,850 Class 1 Notice Packets as undeliverable without forwarding addresses. Rust utilized the services of an address database service, to which Rust subscribes, to seek updated addresses. As a result, Rust received 68,077 updated addresses and subsequently mailed Class 1 Notice Packets to the updated addresses.

15. The postmark deadline for the submission of the Claim Card by Class 1 Consumers was January 31, 2011. As of March 11, 2011, Rust has received 17,475 Claim Cards.

16. As of March 11, 2011, Rust has sent deficiency letters to 4,791 Class 1 Consumers who did not sign their Claim Card, did not check the box on the Claim Card indicating that they made percentage co-payments for the BMS drugs or did not have any CMS reimbursed purchases

within the records from CMS. As of March 11, 2011, 245 Class 1 Consumers have corrected these deficiencies.

17. Class Counsel asked Rust to provide an estimate as to the rate at which Class 1 Consumers may cure deficient responses given Rust's experience in similar settlements and taking into account the nature of the deficiencies and the ease with which such deficiencies can be cured (by in most instances simply signing the reply card and mailing it back to Rust). Rust estimates that approximately 25% of Class 1 Consumers who responded by returning a deficient initial reply card will correct this type of simple deficiency.

18. As of March 11, 2011, Rust has mailed 17,375 Class 1 Consumer Claim Forms, which contain the individual consumer's transactional information. If the Consumer disagrees with the purchase data, the postmark deadline to submit a revised Class 1 Consumer Claim Form was February 28, 2011.

III. REQUESTS FOR EXCLUSIONS AND OBJECTIONS TO THE SETTLEMENT

19. Pursuant to the November 2010 Order, Requests for Exclusion from Class 1 Consumers were to be received no later than February 28, 2011. Rust received Requests for Exclusion from four (4) Class 1 Consumers. Of these four (4) Requests for Exclusion, all were received no later than the February 28, 2011 deadline. For the Court's convenience, Rust has attached hereto a true and correct listing of all Class 1 Consumers and TPPs requesting exclusion as Exhibits B-1 and B-2; there were no Requests for Exclusions filed by Class 3 Consumers.

20. Pursuant to the November 2010 Order, objections from Class 1 Consumers were to be postmarked on or before by February 28, 2011. Rust has received no objections from Class 1 Consumers.

21. In preparation for the final fairness hearing, Class Counsel asked Rust to conduct calculations concerning the outcome of the claims process as it relates to Class 1 Consumer class members given the current claim experience with similar settlements and under certain reasonable stated assumptions.

IV. CALCULATION OF NET DISTRIBUTABLE AMOUNT TO CLASS 1 CONSUMERS

22. Rust calculated the amount of funds available to be distributed to Class 1 Consumers in accordance with the terms of the Settlement. In order to calculate this amount Rust assumed, at the direction of Class Counsel, that the Court will award Class Counsel a 30% attorney fee. Rust also accounted for the cost of all notice and administration activities to date and the agreement between TPP and Consumer Allocation Counsel that TPPs and consumers would share all costs of notice and administration equally.

23. Given these assumptions Rust estimates that the Net Distributable Amount available to satisfy all consumer claims will be \$2,833,751.50. Rust estimates that payments to Class 3 Consumers under the Settlement will total \$27,450.09, leaving \$2,806,301.41 available for distribution to Class 1 Consumers. Rust's calculation of the Net Distributable Amount to Class 1 Consumers is set forth on Exhibit C attached hereto.

V. CALCULATION OF AGGREGATE TOTAL DAMAGES TO CLASS 1 CONSUMER CLAIMANTS UTILIZING OVERCHARGE PERCENTAGES PROVIDED BY DR. HARTMAN

24. At the request of Class Counsel, Rust calculated the amount of damages associated with each of the seven drugs involved in the Settlement based on the Class 1 Consumer claims experience. Utilizing overcharge percentages by drug and by year calculated by Dr. Raymond Hartman at Greylock McKinnon Associates and provided to Rust by Class Counsel, Rust

calculated the estimated total damages to all Class 1 Consumers who made a valid claim under the Settlement, with an appropriate adjustment for those consumers expected to cure deficient claims.

25. To accomplish this calculation, utilizing CMS data Rust determined the total per-drug out-of-pocket co-payment obligations for each of the 12,772 eligible Class 1 Consumers. Rust also determined the total per-drug out-of-pocket co-payment obligations for each of the 3,291 deficient Class 1 Consumer claims and multiplied that figure by 25% (under Rust's assumption that 25% of the deficient claims will ultimately be cured). For each of the seven drugs, the total out-of-pocket co-payment obligations of all eligible claims was added to the estimated out-of-pocket co-payment obligations for all currently deficient claims (multiplied by 25%) to derive an estimated total per-drug out of pocket co-payment obligation.

26. For each of the seven drugs involved, Rust then utilized overcharge percentages provided by Dr. Hartman, to determine the total overcharge to all consumer claimants. The overcharge damage factors utilized are: Blenoxane, 0%; Cytosan, 53%; Etopophos, 0%; Paraplatin, 0%; Rubex, 56%; Taxol, 34%; and Vepesid, 47%. Rust multiplied the estimated total per-drug out-of-pocket co-payment obligation derived in ¶ 25, above, by the appropriate average overcharge percentage for that drug provided by Dr. Hartman. The results of these calculations are set out in Exhibit D attached hereto.

27. The total overcharges or damage to all Class 1 Consumers who made (or are expected to make) valid claims under the Settlement is \$3,909,292.62.

VI. CALCULATION OF PER-DRUG DISTRIBUTION AMOUNT UNDER THE COURT-APPROVED DISTRIBUTION FORMULA

28. At the request of Class Counsel Rust calculated the estimated net distribution, per drug, to consumers under the Settlement.

29. To accomplish this calculation Rust multiplied the total per-drug out-of-pocket co-payment obligation derived in ¶ 25, above, and applied the appropriate multiplier under the Court-approved distribution formula. The total out of pocket co-payment obligation for the drugs Cytoxan, Taxol and Vepesid were multiplied by a factor of three to determine the Total Recognized Loss on a per-drug basis. The co-payment obligations for the remaining four drugs in the Settlement were not subjected to a multiplier. Rust calculates the Total Recognized Loss for all seven drugs combined to be \$32,163,187.72. These calculations and the result are set forth on Exhibit E attached hereto

30. The Total Recognized Loss of \$32,163,187.72 exceeds the amount of funds available to distribute to Class 1 Consumers as calculated in ¶ 23 above. Rust divided the Net Distributable Amount available to satisfy Class 1 Consumer claims by the Total Recognized Loss calculated above in order to determine a Pro-Rata Consumer Distribution Percentage. The Pro-Rata Consumer Distribution Percentage is 8.81%. That is, under the Settlement, a Consumer will receive 8.81% of his or her Total Recognized Loss.

31. To calculate the per-drug distribution to consumers under the Settlement, Rust multiplied the Total Recognized Loss for each drug by the Pro-Rata Consumer Distribution Percentage of 8.81%. These calculations and the result are set forth on Exhibit F attached hereto.

VII. CALCULATION OF DISTRIBUTABLE AMOUNT FOR A SAMPLE OF CONSUMER CLAIMANTS AND COMPARISON TO ACTUAL DAMAGES

32. At the request of Class Counsel, Rust randomly selected 13 Class 1 Consumers from the CMS data. Ten of the samples contained purchases exclusively of one of the drugs at issue (Benoxane, Cytotoxan, Paraplatin, Rubex Taxol) while two of the examples contain purchases for both Etopophos and Vepesid because there were no occurrences of these drugs being administered exclusively. Additionally the sample includes the calculation for the claim filed on behalf of Ms. Aaronson. Rust then estimated their payment under the terms of the Settlement. Rust then calculated each sample consumer's actual damages utilizing the overcharge percentages provided by Dr. Hartman. Rust compared each of the consumer's actual damages to their payment under the Settlement to determine what percentage of actual damages each would receive under the Settlement.

33. The calculation of each claimant's payment under the Settlement was accomplished by calculating their Total Recognized Loss by applying the appropriate multipliers depending on the drug (3xs for Cytosin, Taxol and Vepesid) to each consumer's out-of-pocket co-payment obligations as found in the CMS data. These amounts were summed and then reduced by the estimated Pro-Rata Consumer Distribution Percentage of 8.81% to determine the consumer's estimated payment under the Settlement.

34. Utilizing the overcharge percentages calculated by Dr. Hartman (see ¶ 26 above), Rust calculated each sample consumer's estimated damages by applying the appropriate overcharge percentage for each drug, and for the year in which the co-payment obligation was incurred, to the out-of-pocket co-payment obligations of the consumer for each of these drugs and summed these amounts.

35. These calculations, for each sample Class 1 Consumer, are attached hereto as Exhibits G-1 through G-13. Class 1 Consumers in the sample will receive between 52.5% and 102.13% of their damages under the terms of the Settlement, depending on the drug at issue. In 6 of the samples Rust calculated no damages, but the Consumer will receive a payment under the Settlement.

VIII. CALCULATION OF DISTRIBUTABLE AMOUNT TO SUSAN AARONSON AND COMPARISON TO ACTUAL DAMAGES

36. Class Counsel requested that Rust review CMS data related to the claim of Ms. Susan Aaronson.

37. Rust calculated the estimated settlement benefit payment to Ms. Aaronson under the Court-approved plan of allocation. Rust calculated her Recognized Loss by applying the appropriate multipliers depending on the drug (for example, for Taxol a multiplier of three (3) was used; for Paraplatin a multiplier of one (1) was used) to Ms. Aaronson's out-of-pocket co-payment obligations found in the CMS data. These amounts were summed and then reduced by the Pro-Rata Consumer Distribution Percentage of 8.81%. Using this method, Rust determined the estimated payment to Ms. Aaronson under the Settlement to be \$548.94.

38. Utilizing the overcharge percentages provided Rust by Class Counsel and calculated by Dr. Hartman (see ¶ 26 above), Rust also calculated Ms. Aaronson's damages. Rust applied the appropriate overcharge percentage for each drug in the CMS data related to Mr. Aaronson to her out-of-pocket co-payment obligations for each of these drugs and summed these amounts. Using this method, Rust determined total damages to the Ms. Aaronson to be \$537.47.

39. Given Ms. Aaronson's total damage and the estimated payment to Ms. Aaronson, or her surviving spouse, under the Settlement, Rust estimates Mr. Aaronson will received 102.13% of Ms. Aaronson's total damages from the Settlement. These calculations are set forth in Exhibit G13.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

/s/ Eric J. Miller

Eric J. Miller

Dated: March 14, 2011

EXHIBIT A

Did You Make a Percentage Co-Payment for Certain
Bristol-Myers Squibb Chemotherapy Drugs?

The chemotherapy drugs are:

Blenoxane®	Etopophos®	Rubex®	Vepesid®
Cytosan®	Paraplatin®	Taxol®	

If So, You May Be Able To Get Money Back.

Dear Medicare Part B Subscriber:

You received this legal notice because the Centers for Medicare and Medicaid Services indicate that you were administered certain Bristol-Myers Squibb (“BMS”) chemotherapy drugs.

You may be able to get money back from a Class Action Settlement if:

- You paid all or part of the percentage co-payment under Medicare Part B from January 1, 1991 to December 31, 2004 for any of these drugs.
- You had supplemental insurance but still paid a percentage co-payment. However, if you had supplemental insurance and did not pay any co-payments, you are not eligible for a refund.

A percentage co-pay varies with the cost of the drug. A flat co-pay never varies; it’s always the same no matter how much the drug costs.

What is this About?

- There is a proposed class action settlement with BMS involving the drugs Blenoxane®, Cytosan®, Etopophos®, Paraplatin®, Rubex®, Taxol® and Vepesid®.
- The class action claims that customers paid too much for the drugs included in the settlement.
- BMS has agreed to pay \$19 million to settle the lawsuit. Approximately \$4,370,000 will be available to pay consumer claims. Refunds to consumers will be made after certain fees and expenses are deducted from the Settlement fund.

How do I Apply for a Refund?

1. Fill out the attached Claim Card and mail it back. **It must be postmarked by January 31, 2011.**
2. Truthfully sign that you made percentage co-payments for drugs under Medicare Part B from January 1, 1991 to December 31, 2004.

What Happens Next?

1. If you submit a Claim Card, you will be sent complete information on your legal rights to participate or not.
2. When you get the information, you must decide either to remain in the settlement or exclude yourself. Excluding yourself means that you keep your rights to sue BMS on your own. It also means you can’t get a refund from this lawsuit. You will be provided full information on how to exclude yourself.
3. If after you read the information you decide to remain in the settlement, you do not have to do anything else. You will receive a check if the Court approves the settlement.

How can I get more information?

If you have questions, please call 1-877-690-7097 or visit the settlement website at www.BMSAWPSettlement.com.

INSTRUCTIONS

1. Fill out the Claim Card information to the right.
2. Postage is not included; you must apply a stamp or other method of postage to mail this Claim Card.
3. Detach the Claim Card at the perforations.

BMS CLAIM CARD

If you made percentage co-payments for certain chemotherapy drugs at some point between January 1, 1991 and December 31, 2004, fill out this card and mail it on or before **January 31, 2011**.

☐ Yes, I made a percentage co-payment under Medicare Part B for one or more of the following chemotherapy drugs – Blenoxane®, Cytosan®, Etopophos®, Paraplatin®, Rubex®, Taxol® and Vepesid® – at least once from January 1, 1991 through December 31, 2004.

I sign under pain of perjury that the above is true to the best of my knowledge.

Signature: _____ Print Name: _____

☐ Check the box if your mailing address has changed and complete the Return Address on the reverse side

Telephone Number: (____) ____ - ____

Email Address: _____



BMS AWP CLASS 1 SETTLEMENT ADMINISTRATOR
PO BOX 2365
FARIBAULT, MN 55021-9065



IMPORTANT INFORMATION



<<NAME>>
<<ADDRESS>>
<<CITY>> <<STATE>> <<ZIPCODE>>

YOUR CLAIMANT ID IS:

123456789

KEEP THIS PORTION OF THE
CARD FOR YOUR RECORDS



BMS AWP CLASS 1 SETTLEMENT ADMINISTRATOR
PO BOX 2364
FARIBAULT MN 55021-9064

PLACE
CORRECT
POSTAGE
HERE

EXHIBITS

B-1 and B-2

Exclusion Report

03/10/2011 11:25 AM

PROJECT: BMS class 1 Consumer - Database: BMS1

Page 1 of 1

Report Criteria: Includes Excludes XNO

Report ID :EXC15002

EXCL ID	FULL NAME
1	VIRGINIA PUZJAK
2	JOYCE MCCANN
3	MARGRET MATHIS
4	JULIA HARDEN
TOTAL NUMBER OF EXCLUSIONS: 4	

Exhibit B-1

Exclusion Report

03/10/2011 11:32 AM

PROJECT: BMS AWP TPP - Database: BMST

Page 1 of 1

Report Criteria: None

Report ID :EXC15004

EXCL ID	FULL NAME
1	ST PETERSBURG TIMES
2	LERROI INTERNATIONAL
3	KOCH COMPANIES
4	SUTTER HEALTH
5	HAY GROUP INC
6	BURLINGTON DRUG COMPANY
7	RLI CORP.
8	THE MATH WORKS
9	FRANA COMPANIES
10	MCDONALDS
11	MISSISSIPPI STATE & SCHOOL EMPLOYEES
12	KENTUCKY ASSOCIATION OF ELECTRIC COOPERA
TOTAL NUMBER OF EXCLUSIONS: 12	

Exhibit B-2

EXHIBIT C

ESTIMATED NET CONSUMER SETTLEMENT FUND

	Fees & Expenses	Fees & Expenses for Notice	Non-Notice Fees & Expenses
Rust Billed As of 3/3/2011	\$ 632,483.46	\$ 488,460.90	\$ 144,022.56
Kinsella Publication Billing (July 2010)	\$ 124,488.00	\$ 124,488.00	\$ -
Total Billed as of 3/3/2011	\$ 756,971.46	\$ 612,948.90	\$ 144,022.56
Per SA BMS Would Pay 1/2 Up to \$1Mil		\$ 306,474.45	
Remaining Amount to be Paid by Settlement	\$ 450,497.01	\$ 306,474.45	\$ 144,022.56
Consumer Class's Portion of Fees & Exp (50%)	\$ 225,248.50		
TPP Class's Portion of Fees & Exp (50%)	\$ 225,248.50		
Total Settlement Fund	\$ 19,000,000.00		
Estimated Atty Fees	\$ 5,700,000.00		
Remaining Settlement Fund	\$ 13,300,000.00		
Consumer Settlement Fund (23%)	\$ 3,059,000.00		
Administration Fees/Expenses	\$ 225,248.50		
Estimated Net Consumer Fund	\$ 2,833,751.50		

EXHIBIT D

TOTAL OVERCHARGE OF CLASS 1 CONSUMER CLAIMS

Drug	Total Eligible Member Obligation	Total Estimated Cured Member Obligation (25%)	Total Estimated Member Obligation	Prct Overage	Total Estimated Overage
Blenoxane	\$ 107,524.01	\$ 6,370.40	\$ 113,894.41	0%	\$ -
Cytosan	\$ 344,282.06	\$ 20,184.84	\$ 364,466.90	53%	\$ 193,167.46
Etopophos	\$ 172,071.77	\$ 13,140.00	\$ 185,211.77	0%	\$ -
Paraplatin	\$ 4,966,556.65	\$ 320,506.33	\$ 5,287,062.98	0%	\$ -
Rubex	\$ 1,706,960.40	\$ 90,951.89	\$ 1,797,912.29	56%	\$ 1,006,830.88
Taxol	\$ 7,252,740.68	\$ 450,845.94	\$ 7,703,586.62	34%	\$ 2,619,219.45
Vepesid	\$ 178,382.11	\$ 13,266.46	\$ 191,648.57	47%	\$ 90,074.83
Grand Total	\$ 14,728,517.68	\$ 915,265.86	\$ 15,643,783.54		\$ 3,909,292.62

EXHIBIT E

TOTAL ESTIMATED RECOGNIZED LOSS

Drug	Total Eligible Member Obligation	Multiplier	Total Eligible Recognized Loss	Total Estimated Curative Recognized Loss (25%)	Total Estimated Recognized Loss
Blenoxane	\$ 107,524.01	1	\$ 107,524.01	\$ 6,370.40	\$ 113,894.41
Cytosan	\$ 344,282.06	3	\$ 1,032,846.18	\$ 60,554.51	\$ 1,093,400.69
Etopophos	\$ 172,071.77	1	\$ 172,071.77	\$ 13,140.00	\$ 185,211.77
Paraplatin	\$ 4,966,556.65	1	\$ 4,966,556.65	\$ 320,506.33	\$ 5,287,062.98
Rubex	\$ 1,706,960.40	1	\$ 1,706,960.40	\$ 90,951.89	\$ 1,797,912.29
Taxol	\$ 7,252,740.68	3	\$ 21,758,222.04	\$ 1,352,537.83	\$ 23,110,759.87
Vepesid	\$ 178,382.11	3	\$ 535,146.33	\$ 39,799.37	\$ 574,945.70
Grand Total	\$ 14,728,517.68		\$ 30,279,327.38	\$ 1,883,860.34	\$ 32,163,187.72

Estimated Net Consumer Settlement Fund	\$ 2,833,751.50
Estimated Pro Rata	8.81054304%

All Deficient Claims

Drug	Total Deficient Member Obligation	Multiplier	Total Recognized Loss
Blenoxane	\$ 25,481.60	1	\$ 25,481.60
Cytosan	\$ 80,739.35	3	\$ 242,218.05
Etopophos	\$ 52,560.00	1	\$ 52,560.00
Paraplatin	\$ 1,282,025.33	1	\$ 1,282,025.33
Rubex	\$ 363,807.57	1	\$ 363,807.57
Taxol	\$ 1,803,383.77	3	\$ 5,410,151.31
Vepesid	\$ 53,065.83	3	\$ 159,197.49
Grand Total	\$ 3,661,063.45		\$ 7,535,441.35

Assumed 25% Curative Rate

Drug	Total Estimated Cured Member Obligation	Multiplier	Total Recognized Loss
Blenoxane	\$ 6,370.40	1	\$ 6,370.40
Cytosan	\$ 20,184.84	3	\$ 60,554.51
Etopophos	\$ 13,140.00	1	\$ 13,140.00
Paraplatin	\$ 320,506.33	1	\$ 320,506.33
Rubex	\$ 90,951.89	1	\$ 90,951.89
Taxol	\$ 450,845.94	3	\$ 1,352,537.83
Vepesid	\$ 13,266.46	3	\$ 39,799.37
Grand Total	\$ 915,265.86		\$ 1,883,860.34

EXHIBIT F

ESTIMATED DISTRIBUTABLE AMOUNT PER DRUG

Drug	Total Estimated Recognized Loss	Estimated Award After Pro Rata
Blenoxane	\$ 113,894.41	\$ 10,034.72
Cytosan	\$ 1,093,400.69	\$ 96,334.54
Etopophos	\$ 185,211.77	\$ 16,318.16
Paraplatin	\$ 5,287,062.98	\$ 465,818.96
Rubex	\$ 1,797,912.29	\$ 158,405.84
Taxol	\$ 23,110,759.87	\$ 2,036,183.44
Vepesid	\$ 574,945.70	\$ 50,655.84
Grand Total	\$ 32,163,187.72	\$ 2,833,751.50

Estimated Net Consumer Settlement Fund	\$ 2,833,751.50
Estimated Pro Rata	8.81054304%

EXHIBITS

G-1 thru G-13

Exhibit C-1

Claim ID	Drug	Administrative Date	Co-Pay
4	4461328 Taxol	4/24/2002 0:00	\$131.26
4	4588995 Taxol	5/1/2002 0:00	\$131.26
4	4561634 Taxol	5/8/2002 0:00	\$131.26
4	4575976 Taxol	5/22/2002 0:00	\$131.26
4	4478494 Taxol	5/29/2002 0:00	\$131.26
4	4558589 Taxol	6/5/2002 0:00	\$131.26
4	4585820 Taxol	6/19/2002 0:00	\$131.26
4	4560266 Taxol	6/26/2002 0:00	\$131.26
4	4560944 Taxol	7/3/2002 0:00	\$131.26
4	4578615 Taxol	7/17/2002 0:00	\$131.26
4	4578348 Taxol	7/24/2002 0:00	\$131.26
4	4478891 Taxol	7/31/2002 0:00	\$131.26
4	4558612 Taxol	8/14/2002 0:00	\$131.26
4	4579304 Taxol	8/28/2002 0:00	\$131.26
4	4580424 Taxol	9/18/2002 0:00	\$26.53
4	4577900 Taxol	9/25/2002 0:00	\$106.14
4	4478524 Taxol	10/2/2002 0:00	\$106.14
4	4586005 Taxol	10/16/2002 0:00	\$106.14
4	4577664 Taxol	10/23/2002 0:00	\$106.14
4	4482660 Taxol	10/30/2002 0:00	\$106.14
4	4480520 Taxol	11/13/2002 0:00	\$106.14
4	4576000 Taxol	11/20/2002 0:00	\$106.14
4	4561142 Taxol	11/27/2002 0:00	\$106.14
4	4478825 Taxol	12/11/2002 0:00	\$106.14
4	4585476 Taxol	12/18/2002 0:00	\$26.53
4	4587529 Taxol	12/30/2002 0:00	\$106.14
			\$2,952.10
4	6287811 Taxol	1/15/2003 0:00	\$129.74
4	6282815 Taxol	1/22/2003 0:00	\$129.74
4	6285068 Taxol	1/29/2003 0:00	\$129.74
4	6284130 Taxol	2/12/2003 0:00	\$129.74
4	6285378 Taxol	2/19/2003 0:00	\$129.74
4	6195839 Taxol	2/26/2003 0:00	\$129.74
4	6285244 Taxol	3/12/2003 0:00	\$129.74
4	6287091 Taxol	3/19/2003 0:00	\$129.74
4	6285330 Taxol	3/26/2003 0:00	\$64.87
4	6287832 Taxol	4/9/2003 0:00	\$64.87
			\$1,167.66

	2002	\$2,952.10	
	2003	\$1,167.66	
Total		\$4,119.76	
Multiplier		3	
Pro Rata		8.8105430%	
Estimated Award Amount		\$1,088.92	

	Damage Percentage	Damages
Taxol Overcharge 2002	34%	\$1,003.71
Taxol Overcharge 2003 (assumed 2002)	34%	\$397.00
Total Damages		\$1,400.72
Percent Damages Received		77.74%

Claim ID	Drug	Administrative Date	Co-Pay
19	5283593 Cytosan	8/13/2003 0:00	\$9.77
19	5283592 Cytosan	8/13/2003 0:00	\$2.33
19	5308202 Cytosan	9/3/2003 0:00	\$9.77
19	5308201 Cytosan	9/3/2003 0:00	\$2.33
19	5337777 Cytosan	9/24/2003 0:00	\$2.23
19	5337778 Cytosan	9/24/2003 0:00	\$9.77
19	5343461 Cytosan	10/20/2003 0:00	\$2.23
19	5343460 Cytosan	10/20/2003 0:00	\$9.77
			\$48.20
	2003	\$48.20	
Total		\$48.20	
Multiplier		3	
Pro Rata		8.8105430%	
Estimated Award Amount		\$12.74	

	Damage Percentage	Damages
Cytosan Overcharge 2003 (assumed 2002)	34%	\$16.39
Total Damages		\$16.39
Percent Damges Received		77.74%

Claim ID	Drug	Administrative Date	Co-Pay
72	4931511 Rubex	12/24/2003 0:00	\$472.18
72	4937650 Rubex	11/26/2003 0:00	\$472.18
72	4940636 Rubex	10/22/2003 0:00	\$472.18
72	4948506 Rubex	9/24/2003 0:00	\$472.18
72	4938323 Rubex	8/27/2003 0:00	\$472.18
72	4950057 Rubex	7/30/2003 0:00	\$472.18
72	4936521 Rubex	6/25/2003 0:00	\$472.18
72	4943461 Rubex	5/28/2003 0:00	\$454.00
72	4939825 Rubex	4/30/2003 0:00	\$454.00
72	4935790 Rubex	3/19/2003 0:00	\$454.00
72	4944258 Rubex	2/12/2003 0:00	\$454.00
72	4940934 Rubex	1/8/2003 0:00	\$454.00
			\$5,575.26
72	6561988 Rubex	12/11/2002 0:00	\$454.00
72	6560769 Rubex	11/11/2002 0:00	\$454.00
72	6563246 Rubex	10/9/2002 0:00	\$454.00
72	6563096 Rubex	9/11/2002 0:00	\$454.00
72	6560671 Rubex	8/7/2002 0:00	\$454.00
72	6563934 Rubex	6/3/2002 0:00	\$454.00
72	6562384 Rubex	5/6/2002 0:00	\$454.00
72	6564707 Rubex	4/8/2002 0:00	\$454.00
72	6561046 Rubex	3/4/2002 0:00	\$454.00
72	6562463 Rubex	2/6/2002 0:00	\$143.58
72	6561202 Rubex	1/9/2002 0:00	\$430.74
			\$4,660.32
72	6908667 Rubex	11/7/2001 0:00	\$409.20
72	6906440 Rubex	10/16/2001 0:00	\$409.20
72	6906658 Rubex	9/12/2001 0:00	\$409.20
72	6904719 Rubex	8/16/2001 0:00	\$409.20
			\$1,636.80
	2001		\$1,636.80
	2002		\$4,660.32
	2003		\$5,575.26
Total			\$11,872.38
Multiplier			1
Pro Rata			8.8105430%
Estimated Award Amount			\$1,046.02

	Damage Percentage	Damages
Rubex Overcharge 2001	0%	\$0.00
Rubex Overcharge 2002	12%	\$559.24
Rubex Overcharge 2003 (assumed 2002)	12%	\$669.03
Total Damages		\$1,228.27
Percent Damages Received		85.16%

Claim ID	Drug	Administrative Date	Co-Pay	Exhibit G-4
90	5017871 Paraplatin	8/25/2004 0:00	\$165.35	
90	5017870 Paraplatin	8/18/2004 0:00	\$141.62	
90	5017869 Paraplatin	8/11/2004 0:00	\$137.79	
90	5017868 Paraplatin	8/4/2004 0:00	\$248.02	
90	4989788 Paraplatin	7/21/2004 0:00	\$110.23	
90	4989789 Paraplatin	7/13/2004 0:00	\$110.23	
90	4989790 Paraplatin	7/7/2004 0:00	\$110.23	
90	5009307 Paraplatin	6/30/2004 0:00	\$110.23	
90	5009308 Paraplatin	6/23/2004 0:00	\$110.23	
90	5009309 Paraplatin	6/16/2004 0:00	\$110.23	
90	5009310 Paraplatin	6/9/2004 0:00	\$110.23	
90	5009306 Paraplatin	6/2/2004 0:00	\$110.23	
90	5918849 Paraplatin	5/26/2004 0:00	\$110.23	
90	5918848 Paraplatin	5/19/2004 0:00	\$110.23	
90	5918847 Paraplatin	5/13/2004 0:00	\$110.23	
90	5918846 Paraplatin	5/5/2004 0:00	\$110.23	
90	4979027 Paraplatin	4/28/2004 0:00	\$110.23	
90	4979026 Paraplatin	4/20/2004 0:00	\$110.23	
90	4979025 Paraplatin	4/13/2004 0:00	\$110.23	
90	4979024 Paraplatin	4/6/2004 0:00	\$110.23	
90	6413310 Paraplatin	3/17/2004 0:00	\$101.46	
90	6404909 Paraplatin	3/10/2004 0:00	\$101.46	
90	6404895 Paraplatin	3/3/2004 0:00	\$101.46	
90	5848759 Paraplatin	2/18/2004 0:00	\$110.23	
90	5848760 Paraplatin	2/11/2004 0:00	\$82.67	
90	5848761 Paraplatin	2/4/2004 0:00	\$82.67	
90	5006292 Paraplatin	1/28/2004 0:00	\$82.67	
90	5006295 Paraplatin	1/21/2004 0:00	\$110.23	
90	5006294 Paraplatin	1/13/2004 0:00	\$110.23	
90	5006293 Paraplatin	1/6/2004 0:00	\$110.23	
			\$3,449.77	
90	6287294 Paraplatin	12/30/2003 0:00	\$62.26	
90	6287293 Paraplatin	12/22/2003 0:00	\$62.26	
			\$124.52	

2004 \$3,449.77

2003 \$124.52

Total \$3,574.29

Multiplier 1

Pro Rata 8.8105430%

Estimated Award Amount \$314.91

Paraplatin Overcharge 0%

Claim ID	Drug	Administrative Date	Co-Pay
111	3975769 Taxol	2/18/2000 0:00	\$208.20
111	4065449 Taxol	2/11/2000 0:00	\$290.89
111	3977206 Taxol	2/4/2000 0:00	\$208.20
111	3976107 Taxol	1/14/2000 0:00	\$208.20
			\$915.49
111	3701195 Taxol	12/23/1999 0:00	\$208.20
111	3651349 Taxol	12/17/1999 0:00	\$208.20
111	3677410 Taxol	12/10/1999 0:00	\$208.20
111	3667419 Taxol	10/22/1999 0:00	\$290.89
111	3674704 Taxol	10/15/1999 0:00	\$290.89
111	3668710 Taxol	10/8/1999 0:00	\$290.89
111	3676480 Taxol	10/1/1999 0:00	\$290.89
			\$1,788.16

1999 \$915.49

2000 \$1,788.16

Total \$2,703.65

Multiplier 3

Pro Rata 8.8105430%

Estimated Award Amount \$714.62

	Damage Percentage	Damages
Taxol Overcharge 1999	0%	\$ -
Taxol Overcharge 2000	0%	\$ -
Total Damages		\$ -
Percent Damages Received		

Exhibit G-6

Claim ID	Drug	Administrative Date	Co-Pay
127	5681581 Cytosan	3/9/2004 0:00	\$4.17
127	5681580 Cytosan	3/9/2004 0:00	\$4.09
127	5688719 Cytosan	2/10/2004 0:00	\$4.09
127	5688720 Cytosan	2/10/2004 0:00	\$4.17
127	5681752 Cytosan	1/13/2004 0:00	\$4.17
127	5681751 Cytosan	1/13/2004 0:00	\$4.09
			\$24.78
127	6132732 Cytosan	12/18/2003 0:00	\$4.88
127	6132733 Cytosan	12/18/2003 0:00	\$4.47
127	6139288 Cytosan	11/20/2003 0:00	\$4.47
127	6139287 Cytosan	11/20/2003 0:00	\$4.88
127	6123162 Cytosan	10/23/2003 0:00	\$4.88
127	6123163 Cytosan	10/23/2003 0:00	\$4.47
127	6120700 Cytosan	7/10/2003 0:00	\$4.66
127	6120699 Cytosan	7/10/2003 0:00	\$4.88
127	6120601 Cytosan	4/17/2003 0:00	\$4.66
127	6117464 Cytosan	4/17/2003 0:00	\$4.88
127	6094113 Cytosan	1/16/2003 0:00	\$10.76
			\$57.89
127	4612293 Cytosan	10/24/2002 0:00	\$4.88
127	4612292 Cytosan	10/24/2002 0:00	\$4.54
127	4598768 Cytosan	8/1/2002 0:00	\$11.03
127	4609527 Cytosan	7/2/2002 0:00	\$11.03
127	4603577 Cytosan	3/14/2002 0:00	\$10.76
			\$42.24
127	4347331 Cytosan	12/20/2001 0:00	\$10.76
127	4352358 Cytosan	9/20/2001 0:00	\$10.76
127	4347310 Cytosan	6/28/2001 0:00	\$10.76
127	4345719 Cytosan	5/3/2001 0:00	\$10.76
127	4345737 Cytosan	3/8/2001 0:00	\$10.22
			\$53.26
	2004		\$24.78
	2003		\$57.89
	2002		\$42.24
	2001		\$53.26
Total			\$178.17
Multiplier			3
Pro Rata			8.8105430%
Estimated Award Amount			\$47.09

	Damage Percentage	Damages
Cytosan Overcharge 2004	0%	\$0.00
Cytosan Overcharge 2003 (assumed 2002)	34%	\$19.68
Cytosan Overcharge 2002	34%	\$14.36
Cytosan Overcharge 2001	44%	\$23.43
Total Damages		\$57.48
Percent Damages Received		81.93%

Exhibit G-7

Claim ID	Drug	Administrative Date	Co-Pay
166	4307488 Paraplatin	2/21/2001 0:00	\$41.54
166	4309405 Paraplatin	1/24/2001 0:00	\$83.07
166	4130371 Paraplatin	2/7/2001 0:00	\$83.07
166	4310139 Paraplatin	3/21/2001 0:00	\$88.89
166	4126199 Paraplatin	1/17/2001 0:00	\$83.07
166	4126578 Paraplatin	2/15/2001 0:00	\$83.07
166	4124947 Paraplatin	3/14/2001 0:00	\$83.07
			\$545.78

	2001	\$545.78
Total		\$545.78
Multiplier		1
Pro Rata		8.8105430%
Estimated Award Amount		\$48.09

Paraplatin Overcharge 0%

Exhibit G-8

Claim ID	Drug	Administrative Date	Co-Pay
215	1464909 Blenoxane	2/4/2003 0:00	115.75
215	1470244 Blenoxane	3/11/2003 0:00	115.75
215	1472615 Blenoxane	4/10/2003 0:00	115.75
215	1469919 Blenoxane	3/4/2003 0:00	115.75
215	1473651 Blenoxane	2/11/2003 0:00	115.75
215	1471328 Blenoxane	1/21/2003 0:00	115.75
			694.5

	2003	\$694.50
Total		\$694.50
Multiplier		1
Pro Rata		8.8105430%
Estimated Award Amount		\$61.19

Blenoxane Overcharge (assumed 2002) 0%

Exhibit G-9

Claim ID	Drug	Administrative Date	Co-Pay
238	4225151 Rubex	9/17/2001 0:00	\$61.15
238	4207524 Rubex	10/22/2001 0:00	\$61.15
238	4216263 Rubex	7/20/2001 0:00	\$61.15
238	4219260 Rubex	11/19/2001 0:00	\$61.15
238	4222160 Rubex	8/20/2001 0:00	\$61.15
238	4222965 Rubex	12/17/2001 0:00	\$61.15
			\$366.90

	2001	\$366.90
Total		\$366.90
Multiplier		1
Pro Rata		8.8105430%
Estimated Award Amount		\$32.33

	Damage Percentage	Damages
Rubex Overchage 2001	0%	\$ -
Total Damages		\$ -
Percent Damages Received		

Exhibit C-10

Claim ID	Drug	Administrative Date	Co-Pay
276	6161674 Blenoxane	7/14/2003 0:00	\$66.50
276	6303316 Blenoxane	5/29/2003 0:00	\$66.50
276	6166842 Blenoxane	6/23/2003 0:00	\$66.50
276	6300129 Blenoxane	3/28/2003 0:00	\$66.50
276	6169550 Blenoxane	5/6/2003 0:00	\$66.50
276	6158879 Blenoxane	4/22/2003 0:00	\$66.50
			\$399.00

	2003	\$399.00
Total		\$399.00
Multiplier		1
Pro Rata		8.8105430%
Estimated Award Amount		\$35.15
Blenoxane Overcharge (assumed 2002)		0%

Exhibit C-11

Claim ID	Drug	Administrative Da	Co-Pay	Multiplier	Estimated Award Before Pro Rata	
1581	179867 Etopophos	9/13/2004	0:00	\$6.73	1	\$6.73
1581	180145 Etopophos	5/24/2004	0:00	\$6.73	1	\$6.73
1581	181610 Etopophos	8/20/2004	0:00	\$6.74	1	\$6.74
1581	182294 Etopophos	4/26/2004	0:00	\$6.74	1	\$6.74
1581	186214 Etopophos	4/27/2004	0:00	\$6.74	1	\$6.74
1581	187611 Etopophos	7/6/2004	0:00	\$6.73	1	\$6.73
1581	209450 Etopophos	5/26/2004	0:00	\$6.74	1	\$6.74
1581	163445 Etopophos	7/8/2004	0:00	\$6.74	1	\$6.74
1581	164083 Etopophos	7/28/2004	0:00	\$6.74	1	\$6.74
1581	181670 Etopophos	4/5/2004	0:00	\$6.73	1	\$6.73
1581	164392 Etopophos	5/25/2004	0:00	\$6.74	1	\$6.74
1581	164835 Etopophos	7/29/2004	0:00	\$6.74	1	\$6.74
1581	165008 Etopophos	4/7/2004	0:00	\$6.74	1	\$6.74
1581	179353 Etopophos	7/7/2004	0:00	\$6.74	1	\$6.74
1581	165514 Etopophos	4/28/2004	0:00	\$6.73	1	\$6.73
1581	180655 Vepesid	9/14/2004	0:00	\$6.74	3	\$20.22
1581	181125 Vepesid	6/15/2004	0:00	\$6.74	3	\$20.22
1581	186224 Vepesid	4/6/2004	0:00	\$6.74	3	\$20.22
1581	210186 Vepesid	9/15/2004	0:00	\$6.74	3	\$20.22
1581	230631 Vepesid	8/18/2004	0:00	\$6.73	3	\$20.19
1581	230690 Vepesid	8/19/2004	0:00	\$6.74	3	\$20.22
1581	162870 Vepesid	6/14/2004	0:00	\$6.73	3	\$20.19
1581	166376 Vepesid	7/27/2004	0:00	\$6.74	3	\$20.22
1581	167086 Vepesid	3/15/2004	0:00	\$19.54	3	\$58.62
				\$174.49		\$321.37

Total Copay		Total Award Before Pro Rata
2004	\$174.49	\$321.37
Total	\$174.49	\$321.37

Pro Rata	8.8105430%
Estimated Award Amount	\$28.31

	Copay	Damage Percentage	Damages
Etopophose Overcharge 2004	\$101.05	0%	\$0.00
Vepesid Overcharge 2004 (ass	\$73.44	47%	\$34.52
Total Damages			\$34.52
Percent Damages Received			82.03%

Exhibit G-12

Claim ID	Drug	Administrative Date	Co-Pay	Multiplier	Estimated Award before Pro Rata
1640	997518 Etopophos	8/19/1999 0:00	\$21.96	1	21.96
1640	1007104 Etopophos	8/18/1999 0:00	\$59.91	1	59.91
1640	1011836 Etopophos	10/5/1999 0:00	\$12.51	1	12.51
1640	997244 Vepesid	10/4/1999 0:00	\$12.51	3	37.53
1640	997622 Vepesid	10/6/1999 0:00	\$12.51	3	37.53
1640	1011030 Vepesid	8/20/1999 0:00	\$21.96	3	65.88
			\$141.36		\$235.32

Total Copay		Total Award Before Pro Rata	
1999	\$141.36		\$235.32
Total	\$141.36		\$235.32

Pro Rata 8.8105430%
Estimated Award Amount **\$20.73**

Copay	Damage Percentage	Damages
Etopophos Overcharge	\$94.38	0% \$0.00
Vepesid Overcharge 1999	\$46.98	84% \$39.46
Total Damages		\$39.46
Percent Damages Received		52.5%

Claim	Drug	Co-Pay	Administrative Date	Multiplier	Claim Amt
8164	Taxol	\$ 205.50	8/31/2004 0:00	3	\$ 616.50
8164	Taxol	\$ 205.50	8/10/2004 0:00	3	\$ 616.50
8164	Paraplatin	\$ 248.02	8/31/2004 0:00	1	\$ 248.02
8164	Paraplatin	\$ 248.02	8/10/2004 0:00	1	\$ 248.02
8164	Taxol	\$ 173.89	12/28/2004 0:00	3	\$ 521.67
8164	Taxol	\$ 173.89	11/30/2004 0:00	3	\$ 521.67
8164	Taxol	\$ 205.50	11/2/2004 0:00	3	\$ 616.50
8164	Paraplatin	\$ 248.02	11/2/2004 0:00	1	\$ 248.02
8164	Paraplatin	\$ 248.02	7/20/2004 0:00	1	\$ 248.02
8164	Taxol	\$ 205.50	7/20/2004 0:00	3	\$ 616.50
8164	Taxol	\$ 205.50	9/21/2004 0:00	3	\$ 616.50
8164	Paraplatin	\$ 248.02	9/21/2004 0:00	1	\$ 248.02
8164	Taxol	\$ 205.50	10/12/2004 0:00	3	\$ 616.50
8164	Paraplatin	\$ 248.02	10/12/2004 0:00	1	\$ 248.02
		\$ 3,068.90			
		Total Claim AMT			\$ 6,230.46
		Pro Rata			8.81054304%
		Claim After Reduction			\$548.94

Drug	Damage %	Total Co-Pay	Total Damage
Taxol Damages 2004 (assuming 2002)	34%	\$ 1,580.78	\$ 537.47
Paraplatin Damages 2004	0%	\$ 1,488.12	\$ -
		Total Damages	\$ 537.47
		% of Damage Received	102.13%

CERTIFICATE OF SERVICE

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on March 14, 2011, a copy to LEXISNexis File & Serve for posting and notification to all parties.

/s/ Steve W. Berman

Steve W. Berman